

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: THOMPSON'S WATER PROOFING, LLC,	:	Chapter 7
aka, THOMPSON'S BASEMENT	:	Case No. 5-14-01273
WATERPROOFING,	:	
aka, THOMPSON'S GARAGE,	:	
Debtor	:	

WILLIAM G. SCHWAB, Trustee for the	:
Estate of Thompson's Water Proofing, LLC,	:
Movant	:
vs.	:
INTERNAL REVENUE SERVICE,	:
PA DEPARTMENT OF REVENUE,	:
PA DEPARTMENT OF LABOR AND INDUSTRY,	:
FERGUSON ENTERPRISES, INC.,	:
Respondents	:

**MOTION TO SELL PERSONAL PROPERTY AT PUBLIC SALE
FREE AND CLEAR OF LIENS, PURSUANT TO 11 U.S.C. §363(b)(1)**

AND NOW COMES, WILLIAM G. SCHWAB, ESQUIRE, Trustee in bankruptcy in the above-captioned Chapter 7 proceeding and makes this Motion, respectfully stating in support thereof:

1. Movant, WILLIAM G. SCHWAB, ESQUIRE, is the duly appointed, qualified and acting Trustee in bankruptcy in the above-captioned proceeding, having his place of business at 811 Blakeslee Boulevard Drive East, Lehighton, Pennsylvania 18235.
2. This Court has jurisdiction of the matter pursuant to 28 U.S.C. 157 and 28 U.S.C. 1334.
3. On the date the petition was filed there existed personal property of the estate located at 329 South Tulpehocken Street, Pine Grove, Schuylkill County, Pennsylvania. Said property included assets of Thompson's Garage.
4. On December 29, 2014, an Order was entered amending the caption of the above Debtor to include Thompson's Garage and all assets therewith.

5. The Trustee has examined the property with the Debtor as well as a proposed auctioneer, Houser Auctioneers, and has determined that it is in the best interest of the estate and creditors to offer the same for public sale.

6. On October 27, 2014, an Order was entered approving the employment of Houser Auctioneers, as auctioneer at a commission of Ten (10%) percent of the gross proceeds, plus pro-rata costs of advertising and labor.

7. Trustee seeks leave to sell the personal property of the above-captioned estate located at 329 South Tulpehocken Street, Pine Grove, Schuylkill County, Pennsylvania, at public auction to be held on SATURDAY, APRIL 18, 2015 beginning at 9:00 a.m., or such later date that it is continued to for any reason including inclement weather. The sale is to be free and clear of all liens and encumbrances, with all valid liens and encumbrances to be transferred to the fund created by said sale.

8. The Trustee is basing this Motion for Sale on the currently filed Claim of Exemptions (Schedule C) of the Debtor and relying on same to make this sale cost effective to the creditors of the estate.

9. The Respondents named in the above caption, may have a recorded, equitable and/or unrecorded lien(s) on the property, including the possibility of administrative claim.

10. The Trustee further requests the Court to allow distribution of the proceeds from the sale of the real estate at settlement, pursuant to the priority of the United States Bankruptcy Court as follows:

- a. Any out-of-pocket expenses advanced by WILLIAM G. SCHWAB, ESQUIRE, in connection with the sale of the aforementioned property, and which have not been reimbursed at the time of settlement, along with a reserve of Three (3%) percent for a potential Trustee commission to be held until further Order of Court;
- b. Any notarization and/or incidental recording fees associated with the sale of the above property;
- c. Any transfer tax which is the responsibility of the seller herein;
- d. Ten (10%) Percent to Houser Auctioneers, representing the auctioneer's commission, plus the pro-rata reasonable expenses in conjunction with the sale;
- e. The remaining proceeds shall be held in the Trustee's escrow account.

WHEREFORE, the Trustee prays your Honorable Court to issue a Notice to Creditors indicating on such the final date for filing answers or objections to the within

motion, and following the time set for answers or objections, to enter an order granting relief to sell the aforementioned personal property free and clear of all liens and encumbrances at public sale, and to allow the Trustee, WILLIAM G. SCHWAB, ESQUIRE, to execute all papers and documents necessary to effectuate said sale, and to distribute the proceeds as aforementioned.

WILLIAM G. SCHWAB & ASSOCIATES:

Date: January 13, 2015

BY: /s/ William G. Schwab
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Date: January 13, 2015

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